

FILED
MISSOULA, MT

2007 MAY 31 AM 8 14

PATRICK E. DUFFY
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CURTIS HATCHARD,)	CV 06-167-M-DWM-JCL
)	
Petitioner,)	
)	
vs.)	ORDER
)	
JAMES MacDONALD; ATTORNEY)	
GENERAL OF THE STATE OF)	
MONTANA,)	
)	
Respondents.)	
)	

United States Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 1, 2007. Petitioner did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

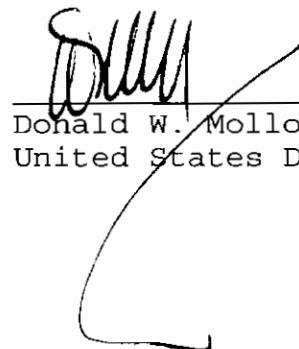
Judge Lynch recommended that Hatchard's petition be denied

because it fails to state a claim for which relief may be granted. I find no clear error in Judge Lynch's Findings and Recommendation (dkt #5) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Hatchard's petition (dkt #1) is DENIED on the merits; and

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 31st day of May, 2007.


Donald W. Molloy, Chief Judge
United States District Court